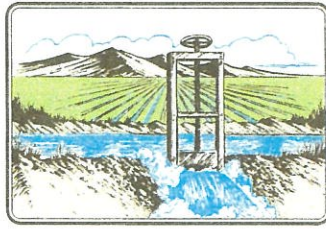


# Reclamation District No. 1004



**RECLAMATION DISTRICT NO. 1004  
BOARD OF TRUSTEES  
December 11, 2024  
Regular Board Meeting Minutes**

Board of Trustees (BOT) present: Chairman Hulbert, Vice-Chairman Borrelli, Trustee Herkert, Trustee Mord and Trustee Bailey. RD1004 staff present: District Manager Terry Bressler and Office Manager Barbie Buchanan. Public attendees present: Nicole Garafalo, Deryl Phy, Steve Forde and Todd Southam. Public attendees by phone: David Barale.

**1. Call the Meeting to Order**

Meeting called to order 10:01 a.m.

**2. Approval of Agenda**

Motion to approve agenda: Trustee Herkert

Second: Trustee Mord

Vote: Unanimous

**3. Approval of Minutes**

**A. November 6, 2024 Regular Board Meeting Minutes**

Motion to approve minutes with edits suggested by Trustee Herkert and Trustee Bailey: Trustee Borrelli

Second: Trustee Herkert

Vote: Unanimous

**4. Public to address the Board**

Landowner Todd Southam asked when the RD1004 landowner meeting regarding the USBR Drought Protection Program will be and if the District plans on sending information out prior to the meeting. He also noticed in the minutes that Chairman Ed Hulbert is retiring and asked how a replacement on the RD1004 board works, and if Chairmen Hulbert plans on staying on the SRSC board.

Chairman Hulbert shared that Hans Herkert is an alternate on the SRSC board, so he will likely take Ed Hulbert's spot on the SRSC board. As far as the RD1004 board, there will be an opportunity for anyone interested to submit their information before any appointment is considered. The public notice will go out as soon as Chairman Hulbert's seat is vacated.

**5. Financial Report-Discussion and Possible Action**

**A. Cash Report/Account Balances**

Discussion only, no action taken.

**B. Interim Disbursements**

Trustee Herkert stated that the legal costs associated with water rights should be taken from the water rights fund. Office Manager Barbie Buchanan stated that all water rights and Princeton Pumping Plant expenses are presented for approval to be reimbursed each quarter.

Motion to approve interim disbursements as presented totaling \$148,016.12: Trustee Borrelli

Second: Trustee Herkert

Vote: Unanimous

**C. Accounts Payable**

Motion to approve the accounts payable list as presented totaling \$58,159.28: Trustee Borrelli

Second: Trustee Bailey

Vote: Unanimous

Trustee Bailey asked where the District is with the independent study to review the District's fees. Trustee Borrelli suggested a nexus study. Chairman Hulbert asked Office Manager Barbie Buchanan to find a qualified consultant to perform a nexus study on the District's fee structure.

**D. Accounts Receivable**

Office Manager Barbie Buchanan reported that there are no outstanding invoices. Discussion only, no action taken.

**E. Profit/Loss Statement**

Discussion only, no action taken.

**F. Approval of Transfers**

Office Manager Barbie Buchanan requested the following transfer:

- Transfer \$12,500.00 from the general fund to County Fund 1 (498)
  - \$2,500.00 to Water Rights
  - \$10,000.00 to Princeton Pumping Plant

Motion to approve transfers as requested: Trustee Herkert

Second: Trustee Borrelli

Vote: Unanimous

**6. New Business**

**A. Discussion and Possible Action regarding Website Design Contract**

Office Manager Barbie Buchanan requested approval to accept the offer received from Streamline for a new website design, hosting, and migration of all documents from the current web site.

Motion to approve moving forward with the new website: Trustee Herkert

Second: Trustee Borrelli  
Vote: Unanimous

**B. Discussion and Possible Action regarding RD1004 Personnel Handbook Update**

Office Manager Barbie Buchanan shared two updates to the current RD1004 Personnel Policy. The first change is adding employee status definitions and incorporating a probationary period for all new hires regardless of employee status. The changes have been reviewed and approved by the District's legal counsel.

Motion to approve updates to the RD1004 Personnel Policy as presented: Trustee Mord  
Second: Trustee Bailey  
Vote: Unanimous

**C. Discussion and Possible Action regarding the 2025 Standby/Admin Fees & Budget**

Trustee Herkert suggested the BOT leave the water toll and standby/admin fees as they are, and if the USBR agreement is signed and the District receives funding, use that funding to cover the standby, admin, and water toll for all landowners/growers in the District. He feels this is a good way to benefit the landowner/grower and avoid gift of public funds restrictions, and could be passed on to the landowner by a reduction or credit of their fees with the District. Trustee Borrelli feels that determining if direct landowner payments can be made is an important piece to consider with the USBR agreement and would like further clarification on that specific topic at Monday's meeting from legal counsel. Chairman Hulbert feels that there will be interest earned from the USBR funding that could be used for operating expenses while the District determines how potential USBR funds can be used and distributed. The BOT will work with legal counsel to determine allowable uses and/or distributions. Public attendee Todd Southam shared reservations that his district has, including how the 500,000 a/f call is fulfilled if not all districts sign on to the agreement. Does the 500,000 a/f only come from those who signed on to the agreement? Or are all contractors still responsible for fulfilling the 500,000 a/f regardless if they signed the agreement or not? Legal counsel for his district was unable to answer that question at this time.

Discussion only, no action taken. Item will be continued at January's board meeting.

**D. Discussion and Possible Action regarding Gate Access at Mallard Allie Property**

Trustee Herkert explained that historically RD1004 has maintained the levee and landowners he has talked with would like to see it continue to be operated in the same way and not have access restricted. Trustee Herkert explained he feels that things are going well at this time, but did have a question for landowner Steve Forde regarding his opinion for using a code versus a motion sensor on the gate going from south to north. Steve Forde stated that he is not comfortable with a motion sensor because of the ways to get around the sensors for people who do not have authorization to be on his property. Trustee Herkert shared his concern about the potential issues with the exit route if inundation happens in that area or if there are issues with the weir. Steve Forde said he is open to sharing a code for the gate. Trustee Mord shared concerns that DWR has tried to access the monitoring well a few times and has not had access to the gate. Landowner Steve Forde said that he would get a code for DWR.

**7. Chairman's Report**

**A. Update on Sacramento River Settlement Contractors**

Chairman Hulbert shared the SRSC 10-year budget which is dependent on the 5% funding from the USBR agreement. David Guy with NCWA was on the last SRSC call and provided updates on the new legislative session and working with new senators and assemblymen. The NCWA Water Leaders program starts in January 2025, and Office Manager Barbie Buchanan will be attending that program. The remaining items will be covered in Old Business, 9D of today's agenda.

**8. Manager's Report**

District Manager Terry Bressler shared that the District has sold 80,000 a/f of water, which is the budget amount for 2024. The District is running two pumps, but some water users are cutting due to weather.

There was a meeting with the State Water Resources Control Board to discuss the studies on Butte Creek including flows and demands, and he feels that these studies may lead to having a water master on Butte Creek. The studies are starting at the top of Butte Creek and stop at the outfall gates. During the meeting, the public had a lot of questions, however, the State did not have a lot of answers. This was the first meeting, and the District will watch this topic closely.

District Manager Terry Bressler updated the BOT regarding the accident that involved one of the District employees. The insurance company has decided to total the truck because it is approximately \$18,000.00 to fix it. There was no frame damage, no airbags were deployed so, his recommendation is to buy back the truck, fix it, and keep the truck in the District. The BOT was in favor of buying back the truck and fixing it.

The District was recognized at the ACWA JPIA conference for low claims during the 2023/24 period. In addition, ACWA JPIA developed a video highlighting the fence project that we received grant funding to complete and shared the video at the annual conference.

At last month's meeting, the BOT authorized District Manager Terry Bressler to work with Blankenship regarding a project summary for the WaterSmart grant opportunity. Blankenship estimated that their cost to write the grant is approximately \$25,000.00, and there is no guarantee that the District would be awarded. District Manager Terry Bressler is going to hold off and submit the project during the next grant notice period.

**A. Update Brooks Walker Final Project Status**

District Manager Terry Bressler reported that there are two final cement form projects that need to be completed, but the area has been too wet to pour the cement. The pumping project was turned on and tested and everything worked. Total project cost to date: \$622,622.49.

**B. Update Avis Project Status**

District staff is still holding off on the Avis project because there is still a lot of water being pumped, but it is planned to be completed before the District starts pumping next year. Total project cost to date: \$45,067.49.

**9. Old Business**

**A. Discussion and Possible Action regarding Butte Creek**

Discussion only, no action taken.

**B. Discussion and Possible Action regarding Solar Program and Proposal**

Discussion only, no action taken.

**C. Discussion and Possible Action regarding White Mallard Dam Automated Dam Level Cost, Feasibility and Operations**

Discussion only, no action taken.

**D. Discussion and Possible Action regarding SRSC MOU with USBR (Drought Protection Program)**

Chairman Hulbert had been waiting for the final USBR MOU, and in the last week there was a significant change, but feels that SRSC is now at a point where information can be shared and a meeting can be scheduled. The latest change was the USBR has agreed to pay the full \$250M if the MOU is signed. Chairman Hulbert has been hesitant to schedule a landowner's meeting because of the importance of sharing the final document for landowners and their representatives to review. RD1004 is planning on having the District's legal counsel and Thad Bettner from SRSC at the meeting to answer questions from the board and landowners.

After further discussion with the BOT, the RD1004 meeting is scheduled for Monday, December 16, 2024, at 8:30 a.m., and the final USBR contract document will be sent out to all landowners as soon as it is received. Landowner Deryl Phy shared he feels that the districts around RD1004 have enough money and enough water to flood, but our water will be cut. In addition, he feels that RD1004 has water rights which requires USBR to provide the District with water. Chairman Hulbert reminded everyone that in 2022 the District received an 18% allocation and the USBR did not pay contractors for water. There was drought relief funding provided by the USBR, however, that was not connected to the water allocation reduction. With this contract, the USBR is putting up funding, part of which goes to water savings projects that benefit everyone in the District and then that would leave monies available for when landowners are requested to leave out 25% of their water on a call year.

Trustee Bailey asked if all of the SRSC tiers were on board with this agreement. Chairman Hulbert stated that he was not sure how all contractors are voting, however, he feels there is a strong consensus that the agreement will get approved. If a district decides not to approve it, that district would not be eligible for the USBR funding tied to the agreement. Trustee Herkert feels that the majority of contractors are on board and is concerned that if any contractors do not sign the agreement, the water could potentially be cut similar to the 18% we received in 2022 and there would not be any compensation for that cut. Trustee Bailey asked how the USBR could discriminate against RD1004 if we chose not to sign the agreement. Chairman Hulbert stated that is a great question for the attorney at the meeting on December 16<sup>th</sup>. Trustee Mord asked if the RD1004 does sign on, does it guarantee that the District would never receive an 18% allocation during the term of the agreement? Chairman Hulbert stated that statistically one out of eleven years the water could be called during that time, and that this agreement would allow

the USBR to cut an additional 25% of the District's allocation on top of the 25% cut that is already in the contract, so it would leave us at a 50% allocation. Chairman Hulbert shared that his question for the attorney and Thad Bettner is after 500,000 a/f, does the USBR come up with additional funding if they have additional call years? Trustee Mord asked how much RD1004 would receive from that USBR funding. Chairman Hulbert explained that the payments are pro-rated based on the number of districts signing on to the agreement. RD1004's pro-rated percentage is 3.66%. All documents will be sent out to landowners for their review prior to Monday's meeting.

**E. Discussion and Possible Action regarding Comprehensive Testing for Wells and Lift Pumps**

Discussion only, no action taken.

**10. CLOSED SESSION AND TOPICS TO BE DISCUSSED:**

**A. Discussion and Possible Action regarding Sacramento River Water Rights/Bureau of /Reclamation & California Department of Water Resources**

**B. Discussion and Possible Action regarding Litigation Updates**

Closed session called at 12:15 p.m.

Open session called at 1:15 p.m.

Report out from closed session: Discussion only, no action taken.

Meeting adjourned at 1:20 p.m.

**Submitted by Barbie Buchanan.**



Ed Hulbert  
Chairman of the Board



Barbie Buchanan  
Secretary to the Board of Trustees